

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Cliff Cassity
51-010 Lau Pl.
Kaaawa, Hawaii 96730

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Ref . No.: V20033286003
EB-03-HL-077
M/V KAIMALINO

OFFICIAL NOTICE OF VIOLATION

Released: September 24, 2003

By the Enforcement Bureau, Honolulu Resident Agent Office:

1. This is an Official Notice of Violation ("NOV") issued pursuant to Section 1.89 of the Commission's Rules ("the Rules"), 47 C.F.R. § 1.89, to Cliff Cassity for transmitting unauthorized communications on 121.5 MHz, in violation of Section 80.89(a) of the Rules, 47 C.F.R. § 80.89(a).

2. On September 23, 2003, agents of the FCC's Honolulu Resident Agent Office tracked an active Emergency Position Indicator Radio Beacon (EPIRB) on 121.5 MHz to the vessel KAIMALINO, docked at the Ala Wai Yacht Harbor. The EPIRB activation was the result of improper storage and handling.

3. Section 80.89(a) of the Rules prohibits unauthorized or superfluous transmissions. Interference to 121.5 MHz, the maritime distress and safety frequency, is a violation of the most critical nature, with potential impact upon safety of life and property. Not only is harmful interference caused to a vital safety frequency, but a false activation could possibly obscure genuine distress transmissions. Tracking down such interference also places a strain on valuable resources of the safety and rescue agencies. Failure to comply with 47 C.F.R. § 80.89(a) may result in the imposition of a monetary forfeiture, pursuant to 47 C.F.R. § 1.80, or other administrative sanctions.

4. **IT IS ORDERED**, pursuant to Section 1.89 of the Rules, 47 C.F.R. § 1.89, that Cliff Cassity shall, within 14 days of the release date indicated above, submit a written statement concerning this matter to the following address:

Federal Communications Commission
P. O. Box 971030
Waipahu, HI 96797-1030

The response shall contain a statement of the specific actions to be taken to correct the violation noted in this NOV and to preclude recurrence, as well as a time line for completion of such actions. All replies and documentation sent in response to this NOV should be marked "Ref. No.

V20033286003." Failure to respond to an NOV constitutes a violation of the Rules, and could incur additional administrative penalties.

5. The Privacy Act of 1974, P.L. 93-579, 5 U.S.C. § 552a(e)(3), requires that we advise you that the Commission's staff will use all relevant, material information before it, including the information disclosed in your reply, to determine what, if any, enforcement action is required to ensure your compliance with our rules. Any false statement made knowingly and willfully in reply to this NOV is punishable by fine or imprisonment under Title 18 of the U.S. Code, 18 U.S.C. §§ 1001 *et seq.*

6. **IT IS FURTHER ORDERED** that a copy of this Official Notice of Violation shall be sent to Cliff Cassity, 51-010 Lau Pl., Kaaawa, Hawaii 96730.

FEDERAL COMMUNICATIONS COMMISSION

John R. Raymond
Resident Agent
Honolulu Resident Agent Office